IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.3022 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr.Sandesh Patil for the Petitioner
Mr. Rajiv Patil, for the Respondent.

CORAM : S.A.BOBDE, J.
DATED : 21ST JUNE, 2005

P.C.

. The petitioner challenges the order dated 30th October, 2002 by which his Appeal was dismissed because he failed to remove the office objection that it was barred by limitation. It appears that the petitioner did not apply for condonation of delay and omitted to mention the ground for not making such an application. According to the learned Counsel for the petitioner this is due to the fact that the petitioner's Advocate did not remain present on that day due to personal difficulty and, therefore, he failed to remove the objection. The matter has been dismissed for non-prosecution in such circumstances.

2. Mr. Patil, learned Counsel for the respondent strongly opposes the petition on the ground that the reasons have not been given. The submission is not entirely correct since the petitioner has given the reason aforesaid. Detailed reasons, however, are not given. In the circumstances in the interest of justice the impugned order is set aside. The matter is remanded back to enable the petitioner to make a fresh application for restoration giving detailed reasons. Writ Petition disposed of accordingly.

(S.A. BOBDE, J.)